

REMARKS

In response to the office action mailed June 2, 2010, Applicant has amended claims 1, 11 and 26 to more clearly disclose the present invention. Claim 11 has been amended to correct its dependency which was inadvertently incorrect. No new matter has been added. Applicant appreciates the withdrawal of the rejections based on Kawanishi and the expression of the Examiner that Claims 27-35 would be allowable if rewritten in independent form. Applicant believes that the amendment to Claim 26 overcomes the current rejection and puts Claims 27-35, which are dependent on Claims 26, into allowable condition. Continued examination and allowance of all claims is respectfully requested.

The Office Action has rejected claims 1, 4-5, 10, 15-21 and 23-26 under 35 USC Section 102(b) as being anticipated by Levin (U.S. Patent No. 5,402,834). Levin teaches a solution preparation system with which liquids are dispensed through a pump onto a balance. The liquid transfer rate of the pump is controlled based on the weighed liquid during dispensing. A liquid reservoir is normally not completely emptied in one step, but only the amount of liquid needed is taken from the reservoir. Levin does in particular not disclose a control means for controlling the complete emptying of any one or more of the substance compartments each time in one step as needed dependent on the quantity of dosed substance, as now claimed.

The Office Action has also rejected claims 2-3 and 6-9 under 35 USC Section 103(a) as being unpatentable over Levin in view of Launay (U.S. Patent No. 4,368,684). As noted above, Levin does not anticipate the present invention as now claimed. Launay discloses a die assembly for decorating pastries and desserts. A distributing head comprises extrusion nozzles of various sizes. A metering unit feeds a predetermined quantity of a product via a pipe in a storage chamber, from which it is extruded through the nozzles. Launay neither teaches a weighing balance for the determination of the quantity of dosed substance nor a plurality of substance compartments for the substance to be dosed which can be completely emptied in one step independently of each other. In particular, Launay does not disclose a control means for controlling the complete emptying of any one or more of the substance compartments each time in one step as needed dependent on the quantity of dosed substance. Launay in particular does not add the teaching of the ability to completely empty a compartment as noted is missing from Levin.

The claimed invention, according to amended independent claims 1 and 26, differs from the devices and methods disclosed in Levin and Launay, or any combination thereof, in particular in that one or more substance compartments are completely emptied each time in one step. No pump or metering unit and no controlling of the dosing of substance via transfer rate and feeding time are used. There is no continuous feeding of substance, discrete amounts of substance are counted and dosed. Counting instead of measuring is an important feature of the present invention; the distinction being missing from the combination suggested. Therefore, an important difference to Levin and Launay is the control means and the manner of controlling the dosage. In particular, a control means for controlling the complete emptying of any one or more of the substance compartments each time in one step as needed dependent on the quantity of dosed substance is disclosed neither by Levin nor by Launay, and exposure to these references would not have lead a person having ordinary skill in the art to arrive at the present invention.

It is therefore believed that the claimed invention according to amended independent claims 1 and 26 and in the following also the dependent claims is new and inventive over all of the cited prior art. It is further believed that Office has found the closest references and that further searching is not necessary.

Applicant believes that the claims as now amended when considered along with the remarks made in this and the previous responses will clearly show that the cited references neither anticipate nor make obvious the present invention.

It is respectfully submitted that the claims are in condition for allowance. Continued examination and allowance of the claims is respectfully requested.

Respectfully submitted,

HUSCH BLACKWELLWELSH & KATZ


Daniel M. Gurfinkel, Reg. No. 34,177

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120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606